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CONTACT: Tim Preso, Earthjustice, 406-586-9699
Jim Costello, Rock Creek Alliance, 406-544-1494
Louisa Willcox, Natural Resources Defense Council, 406-222-9561

Conservationists Challenge Federal Approvals of Rock Creek Mine Plan

Bozeman, MT – Ten conservation groups, represented by Earthjustice, filed suit on Friday, Feb. 29, challenging the U.S. Fish and Wildlife Service's approval of the Rock Creek Mine. The mine would be located adjacent to and under the Cabinet Mountains Wilderness Area in northwest Montana. The lawsuit alleges the Fish and Wildlife Service violated the Endangered Species Act by issuing a biological opinion approving the mine even though it would severely harm protected bull trout and grizzly bears in the area.

In a separate lawsuit filing, many of the same groups also concurrently renewed their challenge to the U.S. Forest Service's permit for the mine. That second suit contends that the Forest Service's approval violated numerous federal laws including the Endangered Species Act and the National Environmental Policy Act.

"The Rock Creek mine is a mine without a blueprint—the federal government approved it even though much about the mine is unknown and many of the critical decisions about its design will be made later," said Jim Costello of the Rock Creek Alliance. "What we do know is this mine would contaminate the region's water and destroy habitat that is critical for the survival of two threatened species."

The proposed mine threatens grizzly bears and bull trout in the region with extinction. Both species are protected under the Endangered Species Act. The mine would extract 10,000 tons of copper and silver ore per day for 35 years and would affect over 7,000 acres within the habitat of the tiny Cabinet-Yaak grizzly bear population. As mining, roading, and other human activities have eroded the bears' habitat, the population has sharply declined. The Fish and Wildlife Service estimates that as few as 30 bears might remain, a number that experts agree puts the bears on the verge of extinction.

"This industrial mining operation will destroy the only thing that will save the last few grizzlies in the Cabinet Yaak: habitat," said Louisa Willcox of the Natural Resources Defense Council. "If this mine is built, we will talk about grizzlies in the Cabinet Yaak as we do the other 99% of grizzlies that were in the lower-48 states when European settlers first arrived: in the past tense."

The Fish and Wildlife Service's biological opinion also acknowledges that the mine could eradicate bull trout in Rock Creek, designated "critical habitat" for bull trout and an important stronghold for the fish in the lower Clark Fork River basin. The agency brushed aside these concerns and decided that the Rock Creek bull trout population could go extinct because there were bull trout elsewhere in the basin.

"They have a plan to dump sediments into bull trout critical habitat in the face of a law that says they cannot do that," said Earthjustice attorney Tim Preso.

“Considerable resources have been directed toward restoring bull trout populations in the Lower Clark Fork River, and Rock Creek is a vital part of the Lower Clark Fork bull trout population. Those efforts will be wasted if this mine becomes operational,” said Michael Garrity of the Alliance for the Wild Rockies, which fought to secure protection for bull trout under the Endangered Species Act.

The groups involved in one or both of the suits are Rock Creek Alliance, Cabinet Resource Group, Clark Fork Coalition, Earthworks, Sierra Club, Trout Unlimited, Idaho Council of Trout Unlimited, Pacific Rivers Council, Alliance for the Wild Rockies, Natural Resources Defense Council, Montana Wilderness Association, and Great Old Broads for Wilderness.

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